

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
November 10, 2004

ITEM: 6

SUBJECT: City of Oceanside: Administrative Assessment of Civil Liability containing an \$18,000 Mandatory Minimum Penalty against the City of Oceanside for violation of effluent limitations established by Order No. R9-2000-0011, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0394, see Document No. 2) (*Rebecca Stewart*)

PURPOSE: The Regional Board will consider to accept the City of Oceanside's signed waiver of public hearing and \$18,000 payment in settlement of the allegations in Administrative Civil Liability Complaint No. R9-2004-0298 (Document No. 4).

PUBLIC NOTICE: The City of Oceanside publicly noticed their decision to waive a public hearing and pay administrative civil liability in the amount of \$18,000 in the North County Times newspaper on September 20, 2004. The 30-day public comment period will end on November 1, 2004.

DISCUSSION: On September 2, 2004 the Executive Officer issued *Complaint No. R9-2004-0298 for Administrative Civil Liability with Mandatory Minimum Penalties* in the amount of \$18,000 against the City of Oceanside for violations of effluent limitations contained in Order No. 2000-11. The thirty-one reported violations of total suspended solids and settleable solids effluent limitations were the result of two mechanical failures in the biological treatment process at the San Luis Rey Wastewater Treatment Plant. The City of Oceanside has demonstrated that the mechanical failures caused a single operation upset. California Water Code section 133858(f)(2) allows the Regional Board to treat all violations attributed to a single operational upset as a single violation when calculating mandatory minimum penalties, but in no case shall the single operational upset violation period exceed thirty days. The administrative civil liability recommended in Complaint No. R9-

2004-0298 applies a \$3,000 penalty for twenty-six violations that occurred during the first thirty days of violation and a \$15,000 penalty for the five subsequent violations that occurred after the first thirty days, for a total mandatory minimum penalty of \$18,000.

Consideration of the factors prescribed in California Water Code section 13385(e), based upon the information available to the Regional Board, supports assessment of civil liability pursuant to California Water Code sections 13385(h) and (i) in the amount of \$18,000 as documented in *Technical Analysis Supporting Administrative Civil Liability Against the City of Oceanside, Oceanside Ocean Outfall for Failure to Comply With Effluent Limitations Prescribed in Order No. 2000-11, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and Las Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall, September 2, 2004* (Document No. 5).

If the Regional Board does not adopt the tentative Order, a hearing will be scheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS:

None.

SUPPORTING  
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2004-0394
- (3) Waiver of Hearing Form
- (4) Complaint No. R9-2004-0298 dated September 2, 2004
- (5) Technical Analysis dated September 2, 2004

RECOMMENDATION:

The adoption of tentative Order No. R9-2004-0394 is recommended.